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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Gerardo Orozco-Abundis

Confirmation No.: 1561

Application No.: 10/636,120

Examiner: Evanisko, Leslie

Filing Date: August 7, 2003

Group Art Unit: 2854

Title: IMAGE CAPTURE DEVICE WITH A TELESCOPIC HINGE

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on July 21, 2006.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Gerardo Orozco-Abundis
Serial No.: 10/636,120
Filing Date: August 7, 2003
Group Art Unit: 2854
Examiner: Evanisko, Leslie J.
Title: IMAGE CAPTURE DEVICE WITH A TELESCOPIC HINGE

MAIL STOP: APPEAL BRIEF-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

REPLY BRIEF

Applicant respectfully submits this Reply Brief in response to the Examiner's Answer mailed July 21, 2006, pursuant to 37 C.F.R. § 1.193(b).

STATUS OF CLAIMS

Claims 1-11, 13-15, 17 and 18 stand rejected pursuant to a Final Office Action mailed February 1, 2005. Claims 12 and 16 stand objected to pursuant to an Office Action mailed November 2, 2005. Claims 1-11, 13-15, 17 and 18 are presented for appeal.

SUMMARY OF CLAIMED SUBJECT MATTER

It has recently come to the attention of Applicant that providing paragraph numbers for referring or mapping the independent claims to Applicant's specification and drawings may be considered as being non-compliant (e.g., because Applicant used paragraph numbering in Applicant's specification pursuant to 37 C.F.R. § 1.51 (M.P.E.P. 608.01), Applicant used paragraph numbers in Applicant's Appeal Brief to map the independent claims to Applicant's specification for the summary of the claimed subject matter). Although a non-compliant notice or indication has not been made in the present case, out an abundance of caution, Applicant provides below the summary of claimed subject matter of Applicant's Appeal Brief using line numbers to map the independent claims to Applicant's specification.

Embodiments of the present invention as defined by independent Claim 1 are directed toward an image capture device (10) comprising a housing (12) and at least one telescopic hinge (40) operable to couple a lid (20) to the housing (12) (at least at page 2, lines 19-30, page 3, lines 1-28, and figures 1 and 2).

Embodiments of the present invention as defined by independent Claim 11 are directed toward an image capture device (10) comprising a lid (20), a housing (12) and at least two telescopic hinges (40) each having a plurality of extensible segments (42, 44, 46) where the at least two telescopic hinges (40) are pivotally coupling the lid (20) to the housing (12) (at least at page 2, lines 19-30, page 3, lines 1-28, page 4, lines 14-19, and figures 1 and 2).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-9, 11, 13-15, 17 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,150,896 issued to Wakeman ("*Wakeman*").
2. Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wakeman* in view of U.S. Patent No. 3,832,937 issued to Moore et al. ("*Moore*").

ARGUMENT

1. First Ground of Rejection (Claims 1-9)

Of these claims, Claim 1 is independent. In the Examiner's Answer, the Examiner appears to maintain the position that the sleeve bearing installed in the housing 21 of *Wakeman* forms part of the hinge of *Wakeman* (Examiner's Answer, page 7). Applicant respectfully disagrees.

As discussed in Applicant's Appeal Brief, *Wakeman* appears to disclose a support member 25 for coupling a cover 27 to a copier housing 21 where the support member 25 comprises a hinge 35, a support arm 30, a rectangular arm 33 (coupled to the cover 27), and a positioning rod 31 (*Wakeman*, column 3, lines 45-51, figures 1, 5 and 6). The positioning rod 31 of *Wakeman* is slidably inserted into a housing hole 32 formed in the copier housing 21 to enable variable positioning of the cover relative to the copier housing of *Wakeman* (*Wakeman*, column 3, lines 52-5-, figures 5 and 6). In the Examiner's Answer, the Examiner labels a sleeve bearing disposed in the housing 21 of *Wakeman* as a "hinge segment A" (see Examiner's Answer, page 7). Despite the Examiner's labeling of the aforementioned sleeve bearing as a "hinge segment A," such element does not form part of the support member 25 of *Wakeman* and, therefore, is not part of any hinge. To the contrary, such element is clearly part of the housing 21 of *Wakeman*. In fact, the support member 25 of *Wakeman* may be completely removed from the housing 21 of *Wakeman* while the sleeve bearing remains permanently installed in the housing 21 of *Wakeman* separate and apart from the support member 25. Accordingly, the support member 25 of *Wakeman*, which couples the cover of *Wakeman* to the copier housing of *Wakeman* is not, by itself, "a telescopic hinge" as recited by independent Claim 1. The support member 25 of *Wakeman* appears to be formed as a single, rigid body that is not, by itself, "telescopic." Moreover, the support member 25 cannot independently perform any telescopic function. Additionally, Applicant respectfully submits that the sleeve bearing of *Wakeman* cannot be used in combination with the support member 25 of *Wakeman* to arrive at a "telescopic hinge" at least because the sleeve bearing is part of the housing 21 of *Wakeman*. Therefore, the sleeve bearing cannot also be used to correspond to the "telescopic hinge" recited by Claim 1 because such interpretation would be an improper claim construction.

In the Examiner's Answer, the Examiner appears to consider the support member 25 of *Wakeman* as being "telescopic" by referring to the American Heritage Dictionary's purported recitation of "overlapping sections" as a means to be extensible or compressible (Examiner's

Answer, page 8). In this regard, the Examiner appears to be relying on the sleeve bearing discussed above of *Wakeman* (which is disposed in the housing 21 of *Wakeman*) as constituting one of the “overlapping sections.” However, as discussed above, Applicant respectfully submits that the sleeve bearing of *Wakeman* does not form part of the support member 25 of *Wakeman* and, instead, is a permanent part of the housing 21 of *Wakeman*. Thus, at least because the sleeve bearing of *Wakeman* does not form part of the support member 25, the sleeve bearing of *Wakeman* cannot be thereafter be considered as an “overlapping section” of the support member 25 of *Wakeman* and cannot be used in combination therewith to arrive at a “telescopic hinge” as recited by Claim 1. Accordingly, Applicant respectfully submits that the support member 25 of *Wakeman*, which is used to couple the cover of *Wakeman* to the housing of *Wakeman*, is not, by itself, a “telescopic hinge” as recited by Claim 1. Therefore, Applicant respectfully submits that Claim 1, and Claims 2-9 that depend therefrom, are in condition for allowance.

2. First Ground of Rejection (Claims 11, 13-15, 17 and 18)

Of these claims, Claim 11 is independent. In the Examiner's Answer, the Examiner appears to rely on the sleeve bearing of *Wakeman* as constituting part of the “extensible segments” of the “at least two telescopic hinges” recited by Claim 11 (Examiner's Answer). Applicant respectfully disagrees. As discussed above in connection with independent Claim 1, the sleeve bearing of *Wakeman* does not form part of the support member 25 of *Wakeman* and, instead, is permanently installed in the housing 21 of *Wakeman*. In fact, the support member 25 of *Wakeman* may be completely removed from the housing 21 of *Wakeman* while the sleeve bearing remains permanently installed in the housing 21 of *Wakeman* separate and apart from the support member 25. Thus, Applicant respectfully submits that the sleeve bearing of *Wakeman* is not connected to the support member 25 of *Wakeman* and cannot be considered as an “extensible segment” of any “telescopic hinge” in *Wakeman* as recited by Claim 11. Accordingly, Applicant respectfully submits that Claim 11, and Claims 13-15, 17 and 18 that depend therefrom, are in condition for allowance.

3. Second Ground of Rejection (Claim 10)

Applicant respectfully submits that there is no motivation or suggestion to combine reference teachings as proposed by the Examiner. For example, as discussed above in connection with independent Claims 1 and 10, the support member 25 of *Wakeman* includes a post (positioning rod 31) that is disposed into the opening formed in the housing 21 of the *Wakeman* device (*Wakeman*, figures 5 and 6). Applicant respectfully submits that providing any extension

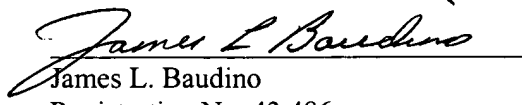
in the *Wakeman* device as proposed by the Examiner appears unnecessary and would add additional cost to the *Wakeman* device at least because the proposed “increase[ed] . . . expansion capabilities” as suggested by the Examiner appears to be easily obtainable in the *Wakeman* device by increasing the length of the post (positioning rod 31) of *Wakeman*. Moreover, there does not appear to be any suggestion in the cited references that any increase in movement of the support member 25 beyond that illustrated or provided by the *Wakeman* system is needed that would necessitate the combination of *Moore* therewith. The Examiner is clearly using hindsight reconstruction to piece together purported teachings of the references to arrive at Applicant’s claimed invention, which is improper. Therefore, Applicant respectfully submits that Claim 10 is in condition for allowance.

CONCLUSION

Applicant has demonstrated that the present invention as claimed is clearly distinguishable over the art cited of record. Therefore, Applicant respectfully requests the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

No fee is believed due with this Reply Brief. If, however, Applicant has overlooked the need for any fee, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,


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Date: September 7, 2006

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